

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
WINSTON-SALEM DIVISION**

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In re:

**Timothy Brian Crunkleton and  
Jessica Moore Crunkleton**

Case No. 22-50764  
Chapter 13

Soc. Sec. Nos. xxx-xx-0927 & xxx-xx-5367  
Mailing Address: 408 N Elm Street, Apt B, Cherryville, NC  
28021

Debtors.

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**MOTION TO INCUR INDEBTEDNESS**

**NOW COME** the Debtors, by and through the undersigned attorney, pursuant to local rule and custom, requesting permission to incur indebtedness, and also requesting approval of an attorney fee, and in support thereof, show unto the Court as follows:

1. This Chapter 13 case was filed on December 22, 2022 and the Chapter 13 plan has not yet been confirmed.
2. This motion is being made so that the Debtors may incur indebtedness to purchase a motor vehicle.
3. The terms of the new loan shall not exceed the following:
  - a. Amount of the new loan: \$25,000.00
  - b. Interest rate for the new loan: 18%
  - c. Monthly payment for the new loan: \$550.00
  - d. Length of the new loan: 72 months
4. The Debtors will be able to afford this new loan for the following reason(s):
  - a. The Debtors have sufficient income to afford the proposed vehicle payments, and are prepared to make adjustments to their budget, as needed.
5. That the Debtors believe the proposed to be in the best interest of the Debtors to incur indebtedness for the following reason(s):
  - a. The Debtors have had an automobile accident and their 2014 Hyundai Tucson was declared a total loss.
  - b. The Debtors need a replacement vehicle to provide transportation for their continued employment and also for the care and support of their household.
6. The proposed indebtedness will not affect the ability of the Debtors to successfully complete the Chapter 13 plan.
7. The proposed indebtedness does not adversely affect the interests of the bankruptcy estate.

8. Undersigned counsel for the Debtors further applies herein, in accordance with Bankruptcy Rule 2016(b), for approval an additional attorney fee in the amount of \$350.00 to pay for the reasonable value of the services rendered, and to be rendered, with respect to this motion to incur indebtedness.

**WHEREFORE**, the Debtors respectfully pray that the Court allow the Debtors to incur said indebtedness, approve an additional attorney fee in the amount of \$350.00, said fee to be paid by the Chapter 13 Trustee as an administrative claim in this case, and grant such other and further relief as to this Court seems just and proper.

Dated: February 7, 2023

**LAW OFFICES OF JOHN T. ORCUTT, P.C.**

/s Erica NeSmith

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Erica NeSmith

Attorney for Debtors

N.C. State Bar No. 55283

600 Green Valley Road, Ste. 210

Greensboro, NC 27408

Telephone: (336) 542-5993

Fax: (336) 542-5994

Email: enesmith@johnorcutt.com

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**CERTIFICATE OF SERVICE**

I, Shannon Bryant, of the Law Offices of John T. Orcutt, P.C., certify, under penalty of perjury, that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age, and that on February 7, 2023, I served copies of the **Motion to Incur Indebtedness** by **automatic electronic noticing**, upon the following parties (names and addresses):

Kathryn Bringle  
Chapter 13 Trustee

Bankruptcy Administrator

and **by regular U.S. mail** upon the following parties:

Timothy Brian Crunkleton & Jessica Moore Crunkleton  
408 N Elm Street, Apt B  
Cherryville, NC 28021

All creditors as listed on the attached Creditor Mailing Matrix.

/s Shannon Bryant

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Shannon Bryant

Label Matrix for local noticing  
0418-6  
Case 22-50764  
Middle District of North Carolina  
Winston-Salem  
Tue Feb 7 15:17:38 EST 2023

Ally Financial, c/o AIS Portfolio Services,  
4515 N Santa Fe Ave. Dept. APS  
Oklahoma City, OK 73118-7901

Winston-Salem  
601 W. 4th St., Suite 100  
Winston-Salem, NC 27101-2745

Aspire Visa  
Post Office Box 105374  
Atlanta, GA 30348-5374

(p)AUTOMONEY INC  
ATTN ABIGAIL SCUDDER DUFFY  
450 MEETING ST  
CHARLESTON SC 29403-5522

CCS Collections  
725 Canton Street  
Newton, MA 02062-2679

Capital Community Bank  
3280 N University Ave  
Provo, UT 84604-4405

(p)CAPITAL ONE  
PO BOX 30285  
SALT LAKE CITY UT 84130-0285

(p)CARMAX AUTO FINANCE  
225 CHASTAIN MEADOWS CT  
KENNESAW GA 30144-5942

Comenity Bank (Lane Bryant)\*\*  
Bankruptcy Dept.  
Post Office Box 182125  
Columbus, OH 43218-2125

Credit One Bank, N.A. \*\*\*\*  
Post Office Box 98873  
Las Vegas, NV 89193-8873

Employment Security Commission  
Attn: Benefit Payment Control  
Post Office Box 26504  
Raleigh, NC 27611-6504

Equifax Information Systems LLC  
P.O. Box 740241  
Atlanta, GA 30374-0241

Experian  
P.O. Box 2002  
Allen, TX 75013-2002

Gaston County Tax Collector  
Post Office Box 1578  
Gastonia, NC 28053-1578

Indigo  
Post Office Box 23039  
Columbus, GA 31902-3039

Internal Revenue Service (MD)\*\*  
Post Office Box 7346  
Philadelphia, PA 19101-7346

KLS Financial Services  
PO BOX 565  
Morrisville, NC 27560-0565

LVNV Funding, LLC  
Resurgent Capital Services  
PO Box 10587  
Greenville, SC 29603-0587

Law Offices of John T. Orcutt  
6616-203 Six Forks Road  
Raleigh, NC 27615-6524

Liberty Career Finance  
Post Office Box 8099  
Newark, DE 19714-8099

MDG USA, Inc.  
3422 Old Capitol Trail  
PMB # 1993  
Wilmington, DE 19808-6124

Medical Data Systems \*\*\*  
1374 S Babcock Street  
Melbourne, FL 32901-3009

NC Child Support  
Centralized Collections  
Post Office Box 900006  
Raleigh, NC 27675-9006

NC STATE EDUCATION ASSISTANCE AUTHORITY  
P.O. BOX 41903  
RALEIGH, NC 27629-1903

NC State Education Assistance  
Post Office Box 14002  
RTP, NC 27709-4002

North Carolina Dept. of Revenue\*\*  
Post Office Box 1168  
Raleigh, NC 27602-1168

PMAB, LLC  
Post Office Box 12150  
Charlotte, NC 28220-2150

Quantum3 Group LLC as agent for CF Medical L  
PO Box 788  
Kirkland, WA 98083-0788

Quantum3 Group LLC as agent for Genesis FS C  
PO Box 788  
Kirkland, WA 98083-0788

RMB of North Carolina, Inc.  
409 Bearden Park Circle  
Knoxville, TN 37919-7406

The Charlotte-Mecklenburg Hospital Authority  
PO BOX 32861  
CHARLOTTE, NC 28232-2861

Trans Union Corporation  
P.O. Box 2000  
Crum Lynne, PA 19022-2000

U.S. Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave. NW  
Washington, DC 20530-0001

US Attorney's Office (MD)\*\*  
101 S. Edgeworth Street, 4th floor  
Greensboro, NC 27401-6045

Westlake Portfolio  
4751 Wilshire Blvd, Ste 100  
Los Angeles, CA 90010-3847

Erica Capron NeSmith  
Law Offices of John T. Orcutt, P.C.  
6616-203 Six Forks Road  
Raleigh, NC 27615-6524

Jessica Moore Crunkleton  
408 N Elm Street  
Apartment B  
Cherryville, NC 28021-2404

Kathryn L. Bringle  
Winston-Salem Chapter 13 Office  
2000 West First St., Suite 300  
P. O. Box 2115  
Winston-Salem, NC 27102-2115

Timothy Brian Crunkleton  
408 N Elm Street  
Apartment B  
Cherryville, NC 28021-2404

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Auto Money Title Loans  
ATTN: Officer  
606 Highway 15-401 East  
Bennettsville, SC 29512

Capital One \*\*\*\*\*  
Post Office Box 85015  
Richmond, VA 23285-5075

Carmax Auto Finance  
Attn: Officer  
Post Office Box 440609  
Kennesaw, GA 30160

End of Label Matrix  
Mailable recipients 39  
Bypassed recipients 0  
Total 39